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Jukka Heiska

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EXAMINER

NGUYEN, THANH T

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JUKKA HEISKA

Appeal 2009-000271
Application 09/699,863
Technology Center 2400

Decided: November 24, 2009

Before LEE E. BARRETT, LANCE LEONARD BARRY, and JOHN A.
JEFFERY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Patent Examiner rejected claims 8-23. The Appellant appeals therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The invention at issue on appeal provides Wireless Application Protocol (WAP) data to wireless terminals connected to a data network via WAP gateways. Characteristics of each wireless terminal are uploaded to a central content converter. Content provided by a content server is routed through the data network to the central converter for adjustment according to the characteristics and routed back through the data network to a particular wireless terminal. (Abstract.)

ILLUSTRATIVE CLAIM

8. Apparatus for providing data services to mobile devices in a system comprising a data network, at least one content server accessible via the data network, at least one gateway for accessing the data network, a mobile telephone network for communicating between the mobile devices and said at least one gateway, and a content converter separate from the at least one gateway, separate from the at least one content server, and connected to the data network, the apparatus comprising:

a data store associated with the content converter for storing indications of the characteristics of each terminal device;

receiving means at the content converter for receiving content for a particular mobile terminal from said at least one content server, said at least one content server being connected to the data network so that said content converter is directly accessible by said at least one content server through the data network bypassing said at least one gateway;

logic for adjusting content for the particular mobile terminal in the content converter according to the stored characteristics of the mobile terminal; and

sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal.

PRIOR ART

LI	6,901,437 B1	May 31, 2005 (filed Oct. 6, 2000)
CARLINO	WO 00/39666	Jul. 6, 2000

REJECTION

Claims 8-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Li and Carlino.

ISSUE

The Examiner admits that "Li does not explicitly disclose . . . routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal." (Supp. Answer 3.) She makes, however, the following findings.

Carlino discloses . . . sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal [Carlino -- Figure 1 and Page 33 lines 19-23 - Wireless gateway (14), shown in figure 1, both receives requests and sends converted document to mobile device, i.e. mobile phone].

(*Id.* at 4.) The Appellant argues that "[t]he combined teachings of Li and Carlino fail to teach or suggest that adjusted content is sent over the data network." (App. Br. 5.) Therefore, the issue before us is whether the Appellant has shown error in the Examiner's finding that Carlino discloses a converter that receives original content via a data network, converts the

original content, and sends the converted content to at least one gateway via the same data network.

LAW

"It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim, and that anticipation is a fact question" *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)).

FINDINGS OF FACT (FFs)

1. Carlino's "FIG. 1 is a block diagram illustrating an exemplary content conversion system (p. 11); the Figure follows.

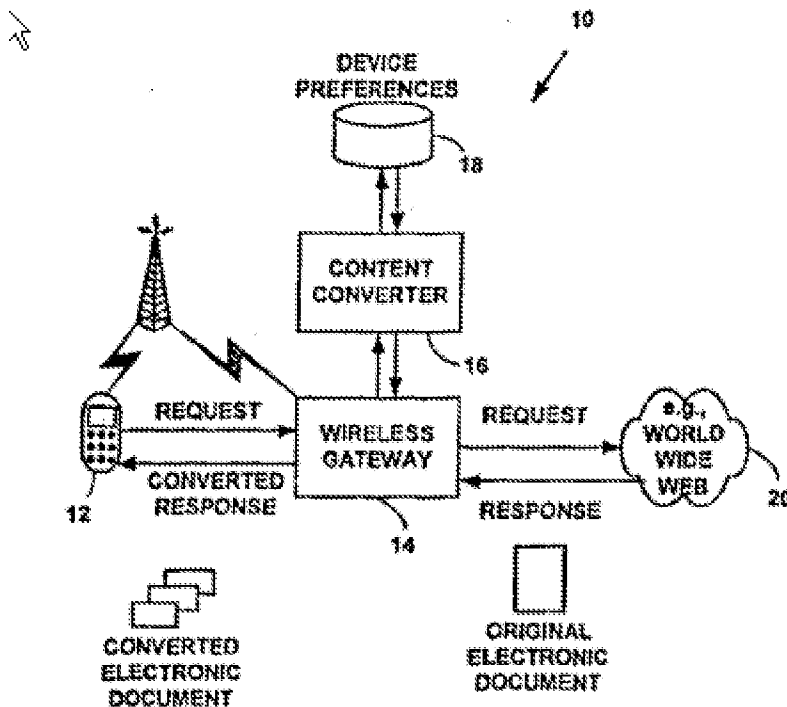


Figure 1: an exemplary content conversion system

2. "[T]urning to FIG. 1, a wireless gateway 14 services requests for electronic documents from the first wireless device 12 and sends converted electronic documents back to the first wireless device 12. A content converter application 16 converts content of an electronic document to a format usable on the fast wireless device 12 (e.g., a device with a smaller display)." (Carlino, p. 14.)

ANALYSIS

Carlino discloses a content converter 16 that receives an original electronic document (FF 2) via a data network 20 *inter alia*. As shown in Figure 1 of the reference, "the computer network 20 is the World-Wide-Web on the Internet." (Carlino, p. 14.) The converter 16 then converts the original document to a format for a wireless device 12. (FF 2.) The converter 16 sends the converted document to a wireless gateway 14 for forwarding to the device 12. (FF 1 and 2.)

We agree with the Appellant, however, that "[t]here is no disclosure[,] teaching or suggestion that the converted content is sent from the content converter 16 to the gateway 14 over the data network [20]." (Appeal Br. 8.) To the contrary, Figure 1 shows that the converter sends the converted document to the wireless gateway 14 via a direct connection depicted as an arrow pointing down from the converter to the gateway.

CONCLUSION

Based on the aforementioned facts and analysis, we conclude that the Appellant has shown error in the Examiner's finding that Carlino discloses a converter that receives original content via a data network, converts the original content, and sends the converted content to at least one gateway via the same data network.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv).

DECISION

We reverse the rejection of claims 8-23.

REVERSED

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